

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 16-555 PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US04/34200	International filing date (day/month/year) 14 October 2004 (14.10.2004)	Priority date (day/month/year) 14 October 2003 (14.10.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): B23B 029/14 and US Cl.: 407/110		
Applicant MANCHESTER TOOL COMPANY		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 28 April 2005 (28.04.2005)	Date of completion of this report 23 December 2005 (23.12.2005)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Boyer Ashley <i>Sharon M. Greene for</i> Telephone No. 571-272-4502

Form PCT/IPEA/409 (cover sheet)(July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US04/34200

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-6 \_\_\_\_\_ as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 7-10 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-6 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☒ The amendments have resulted in the cancellation of:**

- ☒ the description, pages none
- ☒ the claims, Nos. none
- ☒ the drawings, sheets/~~fig~~ none

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US04/34200**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>13 and 14</u>	YES
	Claims <u>1-12 and 15-20</u>	NO
Inventive Step (IS)	Claims <u>13 and 14</u>	YES
	Claims <u>1-12 and 15-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>none</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-5, 7-12 and 15-20 lack novelty under PCT Article 33(2) as being anticipated by Pano (U.S. 5,079,979). Pano teaches the claimed cutting tool assembly having tool holder (1), cutting insert (17) detachably held as well engaging the abutment walls of the insert seat (pocket) (15) of the insert holder/support member (13). The insert support member (13) is removable held in the tool holder by clamp (2) (see figures 2 & 3). Pano also teaches insert support member (13) having insert receiving pockets at opposite ends, body portion and clamping portion (14a) joined by a resilient portion having plurality (two) of elongated slits (16) (Col. 3, lines 36-42). Figure 3 shows an aperture spaced from insert seat/pocket (15) and separated by elongated slit (16) having an end that opens into the aperture.

Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over Pano (U.S. 5,079,979) in view of Hedlund (U.S. 5,360,298). Pano does not teach the gripping portion between the clamping portion and the insert as being V-shaped. Hedlund teaches in Figure 11, a V-shaped interface between the clamping portion and the insert (Col. 5, lines 23-30). It would have been obvious to one of ordinary skill in the art to provide such a shape (V-shape) on Pano's invention for the purpose of achieving optimum engagement or contact surfaces between the insert and the tool ('298, Col. 1, lines 63-68).

Claims 13 & 14 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a pair of upper and lower slots associated with the insert receiving pockets as well as an additional-laterally-extending-slot positioned between the upper and lower slots.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----